

03-15-04

Date: March 12, 2004 Label No. EV369584415US

I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "Express Mail Post Office to Addressee" service.

Donald Prater

Name (Print)

  
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of: Masahiro INOMATA

Application No.: 10/694,659

Filed: October 28, 2003

Docket No. 3140-017

) Examiner: Unassigned

) Group Art Unit: 2873

) Confirmation No.: 3997

) Customer No.: 33432

For: MAGNIFYING OBSERVATION APPARATUS, METHOD FOR OBSERVING MAGNIFIED  
IMAGE, AND COMPUTER-READABLE MEDIUM

**INFORMATION DISCLOSURE STATEMENT**  
**PURSUANT TO 37 CFR 1.97(c)**

Mail Stop DD  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 12, 2004

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Form PTO-1449. One copy of each of these documents is attached.

This Information Disclosure Statement is being submitted after expiration of the three-month period following filing of the above-captioned application but before any Final Office Action or Notice of Allowance.

The undersigned hereby certifies that each item of information contained in this statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

In lieu of English translations of the non-English documents, the International Search Report which cited the non-English documents is enclosed for the relevance of these documents.

The above information is presented so that the Patent and Trademark Office can, in the first instance, determine any materiality thereof to the claimed invention. *See* 37 CFR 1.104(a) and 1.106(b) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the documents cited in the attached Form PTO-1449 be made of record therein and appear on the first page of any patent to issue therefrom.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in this application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

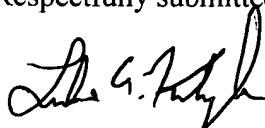
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

It is believed that no fee is required to make this a complete and timely filing. However, if it is determined that a petition or fee is required, the Commissioner is hereby authorized to charge any fee associated with this statement to our Deposit Account No. 50-0925.

Information Disclosure Statement

U.S. Patent Application No. 10/694,659

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Luke A. Kilyk", written in a cursive style.

Luke A. Kilyk  
Reg. No. 33,251

Atty. Docket No.: 3140-017

KILYK & BOWERSOX, P.L.L.C.

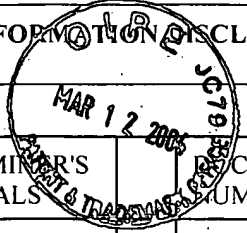
53 A East Lee Street

Warrenton, VA 20186

Tel: (540) 428-1701

Fax: (540) 428-1720

Enclosures: PTO-1449, w/5 Documents

FORM PTO-1449 (REV 7-80)				Atty. Docket No. 3140-017		Application No. Unassigned	
<b>INFORMATION DISCLOSURE STATEMENT</b> 				APPLICANT: Masahiro INOMATA			
				Filing Date: October 28, 2003		Group Art Unit: 3997	
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE, IF APPROPRIATE	
	6,396,941 B1	5/28/02	Bacus et al.	382	128		
<b>FOREIGN PATENT DOCUMENTS</b>							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO	
	11326779	11/26/99	Japan			JPO Computer Transla- tion	
	2002202463	7/19/02	Japan			JPO Computer Transla- tion	
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
Afework, A., et al, "Digital Dynamic Telepathology -- the Virtual Microscope," PROCEEDINGS OF THE AMIA ANNUAL SYMPOSIUM (1998), pages 912-916.							
European Search Report from EP Application No. 03024974.2 dated February 4, 2004.							
EXAMINER				DATE CONSIDERED			
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							